

## **BILL ANALYSIS**

Senate Research Center

H.B. 1415  
By: Farrar (Armbrister)  
Criminal Justice  
6/28/2001  
Enrolled

### **DIGEST AND PURPOSE**

Currently, it is difficult to have a deferred adjudication expunged from a criminal record. While many people have accepted a conviction on deferred adjudication, they generally do so with the expectation that the offense will not affect their permanent record. However, as the law currently stands, a deferred adjudication remains on a permanent criminal record. This deferred adjudication may impede a person's ability to obtain a desired job or position for many years after the offense. H.B. 1415 prohibits a criminal justice agency from disclosing to the public a person's criminal record information regarding a deferred adjudication on or after the fifth anniversary of the discharge and dismissal if the offense was a misdemeanor or on or after the 10th anniversary of the discharge and dismissal if the offense was a felony.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.081, Government Code, to prohibit a criminal justice agency from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication on or after a certain period of time, notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of this section. Provides that a person is entitled to the benefit provided under this section only under certain circumstances. Provides that a person is not entitled to the benefit provided under this section during any period in which the person is required to register as a sex offender under Chapter 62, Code of Criminal Procedure. Provides that for purposes of this section, a person is considered to have been placed on deferred adjudication community supervision under certain circumstances, regardless of the statutory authorization.

SECTION 2. Amends Chapter 552C, Government Code, by adding Section 552.139, as follows:

Sec. 552.139. EXCEPTION: RECORDS OF CERTAIN DEFERRED ADJUDICATIONS. Provides that information is excepted, subject to the dates provided by this section, from the requirements of Section 552.021 if the information relates to an arrest and the prosecution of an offense for which a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, and subsequently receives a discharge and dismissal under Section 5(c), Article 42.12. Provides that the exception provided by this section for information related to an arrest and the prosecution of an offense for which a person is placed on deferred adjudication is available only on or after a certain date. Authorizes a person who is the subject of information that is excepted from the requirements of Section 552.021 under this section to deny the occurrence of the arrest and prosecution to which the information relates and the exception of the information under this section, unless the information is being used against the person in a subsequent criminal proceeding. Makes conforming changes.

SECTION 3. Provides that the change in law made by this Act applies to information related to a deferred adjudication regardless of whether the deferred adjudication is entered before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2001.